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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,391	03/16/2004	Woonhee Hwang	944-003.207	3686

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EXAMINER	
VU, MICHAEL T	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/802,391	HWANG ET AL.	
	Examiner	Art Unit	
	Michael Vu	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/31/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10/31/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims xx are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang (US 2005/0157680 in view of Odenwalder (US 2002/0159410)

Regarding **claims 1, 4, 7, and 12**, Zhang teaches a method for configuring a radio uplink (136) from user equipment (160) to a network element (132) (Fig. 1, WTRU/MS 115, Node-B/Base station 110, RNC 105), comprising the steps of: sending an information element having a cell specific parameter (RNC configures the Enhanced Dedicated Channel [0007, 0025-0028]), a radio link specific parameter, or both in one or more messages on an interface (133, 134) between the network element and a radio network controller (130) (Fig. 1 shows the radio link between Node-B and RNC) for said configuring the radio uplink [0007], configuring the radio uplink at the network element

after signalling between the network element and the user equipment [0007, 0025-0028], **but is silent on** and sending a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element for sending the payload packet to the radio network controller.

However, Odenwalder teaches the enhancing of the scheduling of data transmissions based on signals on the Automatic Repeat Request channel, and sending a retransmission in accordance with the transmission schedule (Fig. 1, RNC/BSC, [0009, 0017 claim 7]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zhang, such that sending a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element for sending the payload packet to the radio network controller, to optimize the throughput of the system for the scheduling of data transmissions.

Regarding **claims 2, 5, 8 and 13**, Zhang/Odenwalder teach the method of claim 1, further comprising the steps of: acknowledging correct reception of the payload packet at the network element on a radio downlink from the network element to the user equipment, and sending the payload packet from the network element to the radio network controller following said correct reception from the user equipment (Fig. 5 to Fig. 6 [0054-0067] of Odenwalder).

Regarding **claims 3 and 6**, Zhang/Odenwalder teach the method of claim 1, further comprising the step of sending the information element on an interface (140,

150) between the radio network controller (130) and another radio network controller (100) for relay to another network element (110) for configuring an uplink between the other network element and the user equipment (Fig. 1 sending from BSC to MSC [0020, 0048-0052]).

Regarding **claims 9, 10 and 11**, Zhang teaches a Radio network controller (130) (Fig. 1, RNC 105) for configuring a radio uplink (136) from user equipment (160) (Fig. 1, WTRU 115) to a network element (132) (Fig. 1, Node-B 110), comprising: a first interface (133,134) for communicating an information element having a cell specific parameter (Abstract), a radio link specific parameter (ACK/NACK, 145 link interface), or both in one or more messages on the first interface (133, 134) between the network element (132) and the radio network controller (130) (ACK/NACK, 145 link interface) for said configuring the radio uplink (Title, Abstract [0007]); and a second interface (140,150) (Fig. 2, 250A) for communicating the information element having a cell specific parameter (Fig. 2, RNC 205), a radio link specific parameter (Fig. 2, 250A), or both in the one or more messages on the second interface (140,150) between the radio network controller (130) (Fig. 2, Node-B1, 210A) and a second radio network controller (100) (Fig. 2, RNC 205) connected (120,122) to a second network element (110) (Fig. 2, Node-B N 210N), wherein the information element having a cell specific parameter (RNC configures the E-DCH), a radio link specific parameter, or both in one or more messages is for configuring a second radio uplink (180) (Fig. 2, 250N) between the second network element (110) (Fig. 2, 210N) and the user equipment (160) (Fig. 1, WTRU 115), the first radio network controller (130) (Fig. 1, WTRU 115) **but is silent on**

for receiving a payload packet from the network element (132) over the first interface (133,134), the second radio network controller (100) for receiving the payload packet from the second network element (110) after receipt by the second network element (110) from the user equipment over the second radio uplink (180), the second network element (100) for sending the payload packet received from the second network element (110) to the radio network controller (130) following the reception by the second network element from the user equipment (160) for transfer from the second network controller (100) to the first network controller (130).

However, Odenwalder teaches the enhancing of the scheduling of data transmissions based on signals on the Automatic Repeat Request channel, and sending a retransmission in accordance with the transmission schedule (Fig. 1, RNC/BSC, [0009, 0017 claim 7]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zhang, such that for receiving a payload packet from the network element (132) over the first interface (133,134), the second radio network controller (100) for receiving the payload packet from the second network element (110) after receipt by the second network element (110) from the user equipment over the second radio uplink (180), the second network element (100) for sending the payload packet received from the second network element (110) to the radio network controller (130) following the reception by the second network element from the user equipment (160) for transfer from the second network controller (100) to

the first network controller (130), to optimize the throughput of the system for the scheduling of data transmissions.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Willars (US 6,889,050)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Vu

supervisory

DUC NGUYEN
PRIMARY EXAMINER